P. O. S. M. G.

[XXXVth YEAR.] THE [No. 1733.]

MARYLAND GAZETTE.

FRIDAY, MARCH 31, 1780.

To the PEOPLE of MARYLAND.

NUMBER I.

I HAVE lived to a considerable age, in the eligible condition of a private man. My reserved and contemplative turn disqualifies me for being an actor, in the various scenes, which are exhibited, on the great threatre of the political world; but my inclination has always led me to gain some insight into the constitution, and laws of my country, and the nature of government in general. I can confidently assert, that I am exempt from the narrow views and prejudices of party. I have no interest to consult, or resentments to gratify; I therefore conceive it probable, that, in some things, I have juster ideas of the public utility, than men of far superiour abilities, who have, many years, been treading the stage of politics, whose principles are debased by an unbounded rage for popular applause, and whose tempers are embittered by censure or disappointment. These considerations have induced me to publish a series of remarks, with the reasonable expectations of suggesting some few hints to men of abler heads, and more extensive influence.

When the arbitrary measures of Great-Britain had compelled the American colonies to declare themselves independent, and to assume the powers of government, under their own authority, the attention of mankind was wonderfully excited. The history of the universe records but few instances, where a people assembled, by their representatives, to institute a system of government. Most of the antient states have attained their present establishment by degrees. We cannot discover what was the original compact, or whether, in truth, an express original compact ever existed. It is a reasonable conjecture, that the real origin of government was conquest and usurpation; and that every portion of liberty, we enjoy, is a resumption of our natural, indelible rights.

We meet with many compositions between a monarch, or a body of nobility, and the people. In all these, perogative and privilege are carefully preserved; but the rights and interests of the lower, and more numerous, orders, by no means sufficiently guarded.

In America, the framers of the new constitutions were the genuine representatives of the people. They assembled upon terms of perfect equality, and the good of the whole was the sole principle. They had the experience of past ages for a guide, and the principles of every government should have been investigated. Under these circumstances, a person, unacquainted with human nature, might expect something like perfection to be the result of their solemn deliberations.

If good and bad are to be estimated by comparison, we have reason to rejoice in the constitution of Maryland; but will any man contend that it possesses an absolute perfection?

Some men, from a dread of innovation, or that unaccountable imbecility, which will rather submit to an inconvenience, than make a single exertion to remove it, cannot support the idea of violating what they call fundamental maxims. They imagine, that an attempt to improve any part of the building, would destroy the whole fabric. In my opinion, unless their ideas are right, and the constitution, in all its parts, is to be perpetual, an alteration should take place as speedily as possible. There are evils, which, in the beginning, might be easily remedied, that become incurable by length of time. The people are ever attached to antient customs, however absurd and inconvenient; nor will they submit, without the greatest reluctance, to the most salutary change. For this reason, it is highly expedient, that the general assembly should immediately undertake to reform the constitution. They have ample time to deliberate, and to publish their bill, for the consideration of the succeeding assembly. My objections to some parts I shall state with freedom, and endeavour to make a proper use of that liberty which is secured by the 38th article of the declaration of rights.

I admire the institution of two branches of the legislature, to serve as a mutual check, to correct each other's proceedings, and to temper the violence, which sometimes disgraces the proceedings of the wisest bodies. I conceive, no advantage could possibly arise from a third branch, in the person of the supreme magistrate. In this, as in many other respects, our constitution excels that of Great-Britain, which has so often been blazoned, by the pens of a Montesquieu, a Blackstone, and other celebrated writers; and I could wish some parts of that constitution had not been copied, without a due consideration of the principles upon which they appear to be founded.

The senate is restrained from originating, or amending, any bill for the disposition of money. The house of lords in England, and the senate of Maryland, are on different establishments; the former is a permanent, hereditary body; if they become corrupt, the evil is incurable; they are supposed to be influenced by the king, the dispenser of honour and profit, who can create peers at his pleasure, and gratify them with the splendour and emoluments of office. The senate is a temporary, elective body, and the members are under a greater disability of holding offices than the immediate delegates of the people, as the term for which they are chosen is of much longer duration. Upon the whole, the restraint discovers a jealousy of this respectable body, which is altogether without a solid foundation.

But this is not all; the public business is thereby frequently retarded, and if the rule were strictly observed, the delays and difficulties would be still greater. The mode of private amendments, and conferences, which were not allowed to appear on the journal, have, by former assemblies, been practised, to evade it. How much more manly would it have been to repeal this idle restriction, and relieve the senate from the tædium of waiting three fourths of a session for the deliberations of the house of delegates!

I solemnly protest to the reader, that I have very little connexion with any member of the senate, either by blood, or the offices of friendship. I court not the favours of any man. Nothing, therefore, but the love of candour, incites me to advance positions, which are sure to meet with an unfavourable reception. It has been common, upon every disagreement between the two houses, to represent the senate as "the rotten part of the constitution," and to speak in disrespectful terms of particular members; but by lopping away this branch of the legislature, our constitution would, indeed, be miserably maimed and defective! As to the individuals, against whom some charges have been exhibited, from a commendable but mistaken zeal, I cannot entertain the least doubt of their integrity and whiggism. As a member of the community, I feel myself under an obligation to any gentleman, who will undertake an office, by which he gains nothing but the unmeaning title of *honourable*. He acquires neither profit, influence, nor privilege; he sacrifices his importance with the people, and, by maintaining a freedom of sentiment, runs an extreme hazard of being suspected as an enemy to his country.

When the framers of the constitution required a certain portion of property, to qualify a person for an office, they undoubtedly proceeded upon this supposition, that a man without riches must be likewise destitute of honesty. The antient Romans were directed by a different sentiment, and their history does not display any of the evils which resulted from their liberal way of thinking. Many important services were performed by very poor men, to whom they made no scruple of intrusting the highest offices. On the contrary, it is notorious, that the citizens of greatest wealth and family connections were ever the most corrupt, and brought the greatest mischiefs upon the commonwealth.

There are gentlemen, in the circle of my acquaintance, who are possessed of excellent talents; but from that discourteous, reserved, inflexible temper, which virtue sometimes infuses, have never acquired the popularity, which, in many employments of life, is necessary for the attainment of riches. A young gentleman above the age of twenty-five, qualified by his education, his principles and delicacy of sentiment, may want this single requisite. A worthy man is reduced by unforeseen calamities; a brave and gallant soldier has, *notwithstanding the strict of economy*, expended his patrimony in the service of his country; none of these are allowed to assist in the councils of the state, or to execute the office of sheriff.

Literature has been too little disseminated, to afford men of abilities for every important station. That policy must surely be erroneous, which, by creating this and other disqualifications, encreases the grievance. It is moreover repugnant to the idea of perfect equality, announced by the first article in the declaration, "that all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

Perhaps the depreciation of the currency has, for the present, remedied the evil. It is the principle which I will for ever combat, because it is inconsistent with the spirit of a genuine republic.

There remains one argument, which is almost too obvious to be here mentioned. There is little probability, that a weak or worthless person, without property, will ever be promoted to an elevated trust, as he possesses no means of recommendation; but, to a man of sentiment, the reflection, that his poverty alone excludes him, is to the last degree humiliating, and represses one of the noblest incentives to virtue, and the attainment of knowledge.

That the legislative, judicial, executive, and *military*, powers, should be ever distinct and separate, would be a perfectly wise and salutary provision, if, in general, it extended no farther, than to prohibit a man from *executing* two offices at the same time. Can any substantial reason be given, why an unfortunate, disabled soldier, should be incapable of a civil *appointment*, or an officer on the civil list be *ineligible* to a seat in the legislature?

Whether a seat in the legislature should be an exclusion from the *appointment* to an executive office, is a point more difficult to be determined. In pure theory, it admits not of a doubt. The rule is calculated to insure disinterestedness and integrity. However, in instituting a law, the circumstances of the people must be consulted. What might be proper for a great, extended, government, may not be so well adapted to a state, which is not very considerable for its wealth or the number of its inhabitants.

That we want men of abilities, is universally acknowledged. Is it not *constitutional* to suppose, that our best men will always be elected into the senate, or house of delegates? From the residue, must be appointed the governor, the chancellor, the judges and other important officers. Would it not be sufficient to vacate the seat of a member of the legislature, upon his accepting an office of profit? An appointment, to act *without reward*, has been justly considered an evasion of the 37th article of the constitution, and amounts to a full proof, with me, that the assembly have thought that article impolitic.

Residence in the county is required as one of the qualifications of a delegate; the propriety of the rule has been frequently doubted; however, that I may not be deemed captious, I will not dispute upon this point. But the necessity of a whole year's residence, particularly in these unsettled, dangerous times, is beyond my comprehension. Delicacy forbids me to mention cases, where this provision has operated to deprive the state of the advice of its wisest men.

I have heard an anecdote respecting this matter, which, for the credit of some distinguished characters, I am willing to believe is not authentic.

A REPUBLICAN.

To the PRINTERS of the MARYLAND GAZETTE.

A WRITER in your paper of the 10th instant, under the signature of a Plebean, speaking of the confiscating British property within this state, declares, "That he never had it in contemplation to exempt from confiscation the property of Mr. Buchanan, or of the proprietors of the Principio and Kingsbury ironworks; that he never heard Mr. Buchanan was our friend, and some of the owners of those

iron-works live at Birmingham, and are our bitter enemies, and even contributed to raise a regiment to reduce us to slavery; that he readily consented (and would answer for the Senator) to confiscate their estates, because they are *inimical* subjects of Great-Britain."

I have no acquaintance or concern with Mr. Buchanan, but am acquainted with most of the Principio company; part of them reside in this state, part in Virginia, and the remainder in Britain, and the proprietor (for one alone resides in that place) in Birmingham.

True it is, that the town of Birmingham, and a great many others in Britain, did contribute to raise regiments to reduce us to slavery; equally true it is, that none of the company contributed a farthing, and more especially the gentleman in Birmingham, who not only has a considerable share of property, but near relations, in this state.

Some of the gentlemen concerned in those works are dissenters, all warm and firm whigs, and have from the beginning approved of the votes and sentiments of the minority with regard to the American war; they are great opposers of the ministry; their actions and sentiments were influenced not only by a sense of duty, but it was consistent with their interest; they had a large share of property here, some of them traded in these states, and have great and many outstanding debts, and some connected by their affection to the people and the ties of blood.

I will mention one fact, which I make no doubt will convince the Plebean. When petitions were solicited by the ministry, addressing the king for continuing the war with vigour against North-America, Mr. Burke declared in parliament, that he had an anti-ministerial petion from the town of Birmingham, reprobating those ideas: this was signed by the only owner who lived in that town, his brother, and other inhabitants.

If all the friendship a man can exert, if his utmost wishes to do service to America, and every attempt in reason to put those wishes in execution, are not to atone for a man's unlucky situation (his estate being accidentally in Britain, on which he is obliged to reside) then the state must seize upon their effects, but to me it seems a very strange and ungrateful return for their warm exertions in our favour, and an extreme inconsistent conduct to destroy our friends and nourish and protect *tories*, our internal and worst of enemies, who do and have done every thing they could to injure us, and openly adhere to the old government, by their refusal to take the oath of allegiance.

ANGLO-AMERICANUS.

Baltimore-Town, March 22, 1780.

For the MARYLAND GAZETTE.

NUMBER III.

THE enemy has not been able to "engage allies." This was well known, before it was acknowledged by lord North, in the house of commons. If the states of Holland are under obligation, by the treaty of Westminster, 1768, to furnish six thousand men, and twenty vessels, to the assistance of Great-Britain, it is in case of an *attack* by some neighbouring power, and not to carry on a war which she herself has unjustly waged. If Russia, on account of former favours, and commercial advantages, has stipulated to furnish twelve ships, in cases of emergency, yet, still, this must have been, *the prerogative of heaven inviolate* *, that is, preserving some attention to the justice of the cause in which they are demanded; a regard to which, no treaty, or stipulation, amongst men, can supersede. It was the spirit of every convention of the powers of Europe, to preserve a balance of power, and to secure themselves against the encroachments of each other; but certainly could have no reference to a revolution, in a new world, where no interests, which the former treaties could respect, existed. Nevertheless, we do not know in what light, the war, on the part of Britain, may begin to be considered by the powers of Europe. The enemy may have it in her power to make such representations to the several courts, of her anxiety for peace, of the haughty and ambitious humour of the house of Bourbon, and of the encroaching power of this house, as may revive antient prejudices, beget suspicions, destroy confidence, and excite a combination against our ally. This, we know, the enemy is greatly active to effect; no stone has been left unturned, no argument neglected, no labour spared, to accomplish this purpose. All Europe has been stirred up by her insidious applications; courtiers, statesmen, princes, have been assailed; money, flattery, promises, expended. When we consider, that all men have a natural propensity to have a hand in what is going forward, that princes are governed by their favourites, and favourites are assailed by various means, it exists a prodigy in politics, that the enemy, even though waging an unjust war, is yet without allies. It is the highest evidence of sound understanding, and regard to justice, in the powers of Europe, and their confidence in the probity, and just views of the monarchy of France.

* *Salva prerogativa regis.*

But we cannot tell how long these just views of things, and this regard to justice, may remain with the powers of Europe; and it is to be considered by these states, what may be the consequence, should the enemy be able to excite these powers to act against the house of Bourbon. Pressed under the unequal contest, our ally may find it necessary "to listen" to what the enemy will call "equitable terms of accommodation." Our fate is linked with that of France and Spain. If these powers are brought to think of peace, even on unequal terms, we must think of peace also. Britain cannot hurt the stable empire of the house of Bourbon; but, by the assistance of allies, she may oblige her to desist from helping these states. There is no holding out against superior force; and therefore I admit it possible, that such may be the fate of war, or such the combination of alliances, that our ally may find herself unable to place us so completely beyond the reach of fortune, in this contest, as she most ardently desires.

I have stated these things, to shew the necessity of great exertions on this continent. Our early virtue, distinguished spirit, and unparallelled atchievements, procured the French alliance. From that time, like a great beauty, who has obtained a husband, we have grown careless in our dress, and sluttish in our manner. *The people* are to blame, who are the source of power and council, in a free government. The people have become inattentive to their interests; regardless of the public measures. They suffer themselves to be imposed upon by popular arts, and appoint those to represent them in public councils, who are men neither of the first abilities, nor of a uniform steady attachment to to the cause. They have admitted silly and groundless prejudices against those who are the most capable, and have been the most faithful in serving them. Many real whigs are thrown aside, and half-way moderate men are admitted to execute the offices of government *. These things ought to be amended. It is high time that the people of this country awake from their lethargy. God and man will desert those who do not help themselves. Why is it that we have not expelled the enemy from every promontory, and corner of our continent? I do not mean to reflect upon our brave army, who are the only body amongst us, who, in my opinion, are purely virtuous. These brave fellows, shivering on the hills, fainting on the plains, or wading through a thousand marshes, have borne famine, nakedness, fatigue, and have done all that was in the power of men to do; but the unworthy body of the people have sunk into a slumber, and are fit only to be enslaved by those who shall rise up amongst themselves, or by a foreign enemy.

The idea of a peace, hastily entertained, has been of infinite disservice; imagining ourselves to have attained the summit of our wishes, we have sat down before we had arrived near the end of our course. The people have turned away from public affairs, every man to encrease his private fortune. A universal languor has spread over all minds. A remission of this kind is the most usual cause of disappointment in all enterprises. When we read the story of many great commanders, we find them, at first, watchful, and preserving the most exact discipline. After a course of victories, apprehending themselves to be secure, they become less vigilant, suffer the discipline of the army to relax, and are beaten. A remission of this kind is to be dreaded by nations, as well as individuals. It is the usual progress of empire, from vigour, industry, and fortitude, to conquest, renown, and riches; and it is the gradual stage of decline, from security, indolence, and luxury, to invasion, overthrow, and subjugation. In affairs of religion it is the case remarkably, and may illustrate the case in common affairs. The sacred writers, who appear to have understood the human heart well, address many of their adhortations, to this principle. The constant language of reward, is, "to him that overcomes."

I am not one who am soured by any particular circumstances of the times, though I have suffered as much by the depreciation of the currency as any one; but considering the [illegible] *fate of the occasion*, I bear it patiently. [illegible] complain of injuries sustained by the depreciation of the currency, when others, more [illegible] in their persons and their services, have [illegible] their lives in the debate? It is a just regard [illegible] the welfare of my country which prompts [illegible] language; and having a better opportunity than many others, to obtain information, I [illegible] warning, to my countrymen, of what [illegible] come to pass.

AN ANTI-AMERIC[illegible]

* *This I take from the general complaint of men from the different states.*

For the MARYLAND GAZETTE.

A WRITER, under the signature of [illegible] *Independent Whig*, observes, that "no [illegible] in his *right senses*, will assert," &c. things [illegible] ed by the senator. Indeed it seems to be [illegible] general opinion, that he is not in his *right* [illegible]. There are many things which mark an [illegible] ingly perturbed, and *insane* mind.

1. He conceives himself to be a *subject* of *Great-Britain*; and what is more extraordinary, [illegible] ject of both *countries* (Britain and America) by which it would appear, that [illegible] intoxication, multiplies the objects of [illegible] and renders things double.

2. He conceives himself to be a *commissioner* [illegible] *Britain*, and will have it made a *preliminary*, [illegible] her adherents shall retain their property in [illegible] states, not considering, that the *giving up* [illegible] *dependence* was a *preliminary* of the late commissioners; in which case it might be the interest [illegible] Great-Britain, that her adherents should [illegible] their property in these states; but supposing [illegible] establishment of our independence, it cannot [illegible] her interest, that these adherents should [illegible] their property; and no other, but a *mad* commissioner would make it a *preliminary* *.

3. He conceives himself to be a *lawyer*; [illegible] quainted with the law of nature, the law of [illegible] tions, and the common law; and yet the direct reverse of what the gentleman has stated, [illegible] law of nature, the law of nations, and the common law, is true in every position.

4. It appears from the mode, manner, [illegible] substance, of the writings of the gentleman, that he is unsettled in his judgment. There [illegible] no order through the whole; without any [illegible] ble detriment to his productions, you might read the last first, and the first last †. Nay, [illegible] you begin with Calvin's case, and read the [illegible] number backwards, it will be more intelligible.

There is great reason to conclude, that [illegible] must be some *crazy* man. It is difficult to [illegible] why it is that he entertains such resentment against the house of *delegates*, or *particular* members, railing against these with the *fury* of a [illegible] *niac*. It is more easy to account for his resentment against *speculators*, having taken up the popular clamour, with which his ears have [illegible] assailed. Indeed, he *may* be said to [illegible] a speculatorphobia ‖, or dread of speculators. He seems to imagine, that in a [illegible] cal manner they can swallow whole countries, and do any thing. A poor fellow, in my knowledge, some years ago, who used to walk [illegible] with a long pole, and a crooked horn on the end of it, had a like conceit with regard to [illegible]

* *Great-Britain being brought to concede our independence, will easily concede every thing else.* [illegible] *will not have it in her power, nor will she be willing to make the restitution of the property of her adherents a* preliminary. *If it were possible that a spark of "gratitude" could be found in so corrupt a court,* [illegible] *bereats at her own expence than to continue the war a single day, on their account;* [illegible] *the value of the property of these adherents.* [illegible] *that her adherents should possess their property in these states, as it will prevent their migration to other colonies, Canada, Nova-Scotia, &c.* [illegible] *subject;" but it was at the same time a* preliminary, *that we should relinquish our independence; in which case, it was the interest of Britain, that her adherents should possess their property in these states;* [illegible] *ble end in* propagating toryism, [illegible] *continent for the future designs of Britain,* [illegible] *behold our independence placed beyond her reach.*

† [illegible] *may be taken out, and placed in any part of his performance;* [illegible]

‖ *The idea of a speculator is like that of* [illegible] *in the night;* [illegible] *If men would* [illegible] *the grounds of commerce, and of the* [illegible] *speculation, they would easily perceive,* [illegible] *fears relative to speculators, in the present* [illegible]

...he imagined to swarm through the atmo-... and whom, falling down on his back, ... whirling his pole horizontally, with a rapid ... howling miserably in the mean time, he ... attempt to drive away, lest they should ... him.

...inions are various with regard to the cause ... calamity. Some suppose, that he is one ... fortune has been injured by the *tender laws*; ..., perhaps, from former influence, to a ... of the *last coat upon his back*. Indeed, this ... improbable, if we consider that it is no ... part of the burden of his *fellow-men*, that ... *tender laws* is unjust. It is usual for distress... persons, to *hang* much on one *string*, which ... hardly has been touched in the first diffi... of their reason.

...ers, amongst whom, are several aged ladies ... this town, are of opinion it must be *hope*; as ... says,

Amid with care, or crost'd in hopeless *love*.

... it seems to me, that in his raving against ... house of delegates, and *particular* members, ... discovers a sour, fastidious, humour, very ... erent from that good natured *illness*, which is ... effect of love. I have consulted Sappho's ..., where she traces the progress of this passion, ... the first gaze of admiration, until the comes ... the symptom of madness; and I do not find ... the symptoms discernable in this gentleman, ... at all, accord with these.

... am unwilling to advance new theories; ... I take the *heat* of his brain to be owing to ... *heats* of the weather in December, and in ... January last. It may be recollected, that it was ... out the middle of January, that he began to ... rge. The cold winds, and severe frosts which ... had at that time, and by which the bay was ... ozen up, (a thing not before known in the ... emory of man) gave an unusual *tone* to his ... erves, which we all know, according to Boer... ve and others, physicians, and great naturalists, is the most general cause of *madness*. On ... specting the *cranium* of some *mad* persons, the ... hole plexus of the nerves has been found affi... ed.

With regard to what might be proper to re... ve him, it is evident that it is the *warm bath*; ... t it is a case in casuistry, whether it might be ... roper to relieve him: if the happiness of human ... e consists greatly in *imagination*; if he is happy ... believing himself possessed of the peculiar ... lty of being a subject of *two countries*, able ... *inherit* in *both*, and be hanged in neither, ... would be highly injudicious to deprive him of ... is pleasing reverie of mind, by restoring him to ... s right senses. We have a story of a man at ... thens, who apprehended himself to be constant... in a " theatre, and to hear admirable tragedies ... cited; so that, when restored by the use of ... llebore, he cried out, " Verily, my friends ... have undone me." Another, at Venice, ... elieved himself present in a continual carnival, ... d if he had been recovered, by the officious ... ndness of his friends, and the skill of physici... s, it is not improbable, but his true exclamation ... ould have been to the same purpose. However, ... for the purposes of *religion*, of which, on all ... ands, it is agreed a *madman* is not capable, it ... ould be thought a duty to restore this unfor... nate gentleman, I can recommend nothing ... tter than to *buscanaw* § him, in the manner of ... e Indians, or to use the warm bath.

U U J U S T

Chester-Town, March 27.

§ *That is, to put him in a swiguam, with heated stones, and pouring hot water on them, raise a copious vapour, which may cause him to sweat; and when nature is pretty nearly exhausted, plunge him head foremost into a cool stream or river.*

To the PUBLIC.

HAVING proved, that the common law ... and law of nations expressly establish the ... justice of confiscating (for compensation of the ... damages and expences of the war) the property ... of British subjects, even of those who are personally ... guiltless; I will now shew that the taking ... the goods of the *innocent* subjects of a nation, and ... appropriating them for satisfaction of injuries ... received, either from the collective body, or ... from individuals of the same nation, is so far ... from being a novel doctrine, introduced at this ... time to answer the purposes of speculators, that ... it is law nature as the formation of society, and ... founded upon principles perfectly reconcilable ... to the immutable rules of justice, and by no ... means contrariant to the sentiments of honour ... and humanity.

" Where any English merchants are injured in ... their persons, or their goods are spoiled, or taken ... from them by merchant strangers, in parts be... yond seas, and upon suit, or the king's demand... ing justice for them, they cannot obtain it, by... reason thereof, they shall, by the common law of England, have a writ out of chancery, to arrest *any* merchant strangers of that nation, or their goods, which may be in England; which writ is grantable of *common right*, by the chancellor or lord keeper, to the subjects aggrieved;" by virtue of which writ, the bodies of such merchant strangers, although personally unoffending, may be arrested and detained until justice is done, or their goods may be confiscated, to the full value of the damages, which had been received.

But if there are not in England any merchant strangers of the nation, by the subjects of which the injury had been committed, whose bodies may be arrested, or any of their goods, which may be confiscated, in that case, " letters of marque may be granted to the person injured, for the reparation of his damages, authorizing him to take the persons or goods of any of the subjects of that nation, wherever they may be found, whether upon the high seas, or in any other place, without the realm of England." Nor is this mode of redress justifiable solely upon principles of common law, but is conformable to the laws and usage of the most civilized nations, as well antient as modern.

Hence then we find, that where the particular subjects of a nation have committed an act of injustice, which the collective body, when called upon, in the person of its ruler, refuses or delays to repair, the bodies and goods of every other member of that nation, although they were no way consenting to the injury, stand answerable to those persons, who have been injured thereby, as far as the amount of the damages; nor is this unjust or unreasonable, " for though by the law of nature one man's goods are not bound for the debts of another, yet the same may well be introduced by the voluntary law of nations, and that perfectly consistent, with the laws of nature; for if sureties, without any cause, may make their goods and estates liable for the debts of a stranger, much more may a society make liable all their goods, corporeal or incorporeal, for the payment of a debt, which the *head* thereof ought to make good; or for the reddition of satisfaction in those cases, where the sovereign hath not done right to another, but hath thereby made himself liable to render satisfaction[a]. Hence it was[b], " that this custom was constituted by nations, grounded on the urgency of human needs, inverted with the greatest of necessities; for, without this, intolerable licence would be given for commission of depredations and injuries, especially if only the goods of rulers were made liable, who seldom possess any thing, which the injured can readily seize upon for satisfaction; whereas the private subjects of the nation, whose commercial concerns are various, may be caught, more secure from danger, and with much greater ease. Besides, the original owners of such prize, being members of the same society, may more easily obtain mutual right for satisfaction of their loss, and their future indemnity, than strangers could, who, without such a tye, would be but little regarded." If therefore the party injured cannot procure redress, within a proper time, against the person of whom he complains, or if there be a judgment given, contrary to apparent right and law, if no other relief can be had; " the bodies and goods of the subjects of that prince, who renders not right, may be taken, not only by the jus gentium & civile (the civil law and law of nations) but by the antient and municipal laws of England[c]." " And the ships of that nation, against which letters of reprisal are granted, may be attacked by those having such letters, and if resisted to be yielded up, may be assaulted and entered; in doing which should it fall out by accident, not by design, that some of those, who occasion may happen to be slain, the fault will lie at their own doors, for hindering the execution of right, and that of which the law most justly approves[d]." Thus we see, however strange the Senator may think it, that the *innocent* subjects of a nation may not only be rightfully deprived of their *goods*, but, should it become necessary, from their resistance, may be even deprived of their lives. And " the dominion of goods taken by those to whom letters of reprisal are granted, become the captor's, ipso facto, by the law of nations, until the debt and costs, that is, the original damages and subsequent charges, are satisfied[e]." " Nor is it the place of a man's nativity, but of his dwelling, not of his origination, but of his habitation, which subjects him to reprisal, the law not considering so much where he *came into the world*, as where he *inhabits the world*[f]." Those therefore who are born in Maryland, or any other of the thirteen colonies, now *States*, and who at present reside in Great-Britain, are not entitled to any exception in their favour; their goods are as liable, as those of any other British subject, to be seized for reprisal of damages. But whenever it happens that, in consequence of letters of reprisal, the goods of *innocent* subjects are confiscated, " the sovereign of that state, against which such letters are granted, must repair to them their loss out of the effects of him or them who originally committed the injury; or if that proves deficient, it ought to fall as a common debt on his country[g]." " For whenever such letters are sealed, they immediately vest in the grantee a national debt, to be satisfied, in such manner, and by such means, as the same do direct, out of the goods and estates of the subjects of him who refuses or delays to do justice[h]."

If we reflect, a moment, upon the above observations and principles of the common law, and law of nations, we shall clearly discover, 1. that when acts of injustice have been committed by private subjects of a nation, to render satisfaction for which their sovereign, upon a requisition being made, hath either refused, or unreasonably neglected; or when a state in its collective capacity has done an injury to another, the injuring state immediately becomes a debtor to that, which hath been injured, to the full amount of the damages originally sustained; and where satisfaction of those damages are refused, become still further indebted, to the amount of all the subsequent expences incurred in pursuit of redress. 2. That the property of the injuring state may be confiscated to the value of all those damages and expences, not for punishment of the injustice committed, but for payment of that national debt, which thereby became justly due to the state which was injured. 3. That although the injuring nation, in its collective capacity, or the guilty and criminal members of that nation, may be considered the original and principal debtor, for such damages and expences, yet every individual subject of the state, from their connection with, and relation to, the collective body, and all its members, are sureties for the payment of that debt; because it is a part of that compact, upon which mankind enter into society, established and confirmed by the universal consent and usage of nations, that, as every state, in its collective capacity, ought to demean itself, in such a manner, that none of its neighbours be injured, so every individual of the state shall be answerable for the good behaviour of that collective body, of which he constitutes a part. And therefore, 4. Although the property of the principal debtor, to wit, of the collective body, or the criminal subjects, of a state, where it can with equal convenience and safety be seized, ought first to be appropriated to the satisfaction of the debt; yet where that cannot be done, it is perfectly consistent with the strictest rules of justice, and by no means incompatible with the principles of honour and humanity, to seize upon the property of the sureties, that is, of any other subject of the state, although unoffending: as in the common case, where the security for debts is compelled to pay for the laches or insolvency of the principal. To reproach the creditor with cruelty and injustice, for prosecuting his unquestionable right against the security, would be improper and absurd: reproaches of the like nature are equally inapplicable in the present case.

The British nation, in its collective capacity, is indebted to the United States, for all the damages and expences of the war. Every individual subject is a surety for the collective body, and, as such, is answerable for the payment of this debt. If we cannot seize upon so much property of the collective body of the nation, as will satisfy the damages and expences of the war, we have an undoubted right to seize upon the estates of as many of the sureties as will be sufficient for that purpose. If these sureties, and, if you please, the innocent subjects of Great-Britain, are thereby deprived of their possessions, why will the Senator persist unjustly to throw the blame upon us, instead of transferring it, where it is really due? To what motive would he with us to attribute his conduct? To compliment his principles, must we sacrifice his reason, and suppose his conduct to proceed rather from want of understanding, than attachment to our cause? Or as the only alternative, must we conclude, that his prejudices against some of the advocates for confiscation, his partiality for individuals, who may be affected by the measure, and his fears and apprehensions of some dreadful political *hereafter*, have been sufficient to overcome both the one and the other? We only prosecute our indisputable right; we only endeavour to obtain com-

[a] Molloy, 36. [b] Wolf. Inst. de jure nat. 2. 294.
[c] Molloy, 38, 39. [d] Ibid. 58. [e] Ibid. 61.
[f] Ibid. 544. [g] Con. Treat. of Com. 210. C. 20. [h] Molloy, 42.

penſation for the damages and expences of a cruel and unjuſt war; we have only in view to recover a debt, for the purpoſe of defending ourſelves and our liberties, againſt our invaders. It is the Britiſh nation, which hath injured us, and ſo far is ſhe from repairing the damages, that ſhe ſtill wantonly perſiſts in the injuries; ſhe neglects, ſhe refuſes to ſatisfy that debt, which is thereby due to us; it is Britain therefore that is guilty, and who only ought to be charged with injuſtice. She is under a moral obligation to compenſate the loſſes of all her *innocent* ſubjects, which they may ſuſtain by her acts of injuſtice; if ſhe neglects to do this, if ſhe violates this obligation, againſt her you may give full ſcope to your indignation, againſt her it will be juſt; it will be a virtue.

Great-Britain has endeavoured to ſtrip us of our moſt valuable rights and privileges: ſhe hath ravaged our country; ſhe hath burned our cities and villages; all the Britiſh property we can ſeize will not repair one tenth part of the damages we have ſuſtained. She, as a nation, was under every moral obligation to conduct herſelf ſo as not to injure us, nor her *own ſubjects*: if, in conſequence of her miſconduct, any of *theſe* ſhould be deprived of their poſſeſſions, let them not accuſe us, but Great-Britain, of injuſtice and diſhonour.

When I hear certain perſons inveighing againſt the indiſcriminate confiſcation of Britiſh property, as cruel and unjuſt; when I hear them braud one branch of our legiſlature with every opprobious epithet, for originating a bill for that purpoſe, I lament their ignorance, for I would not willingly ſuppoſe them to be actuated ſolely by private intereſt, or ſuperior attachment to Britons; and yet when I reflect on ſome of thoſe, who are moſt clamorous on the occaſion, it might not be any breach of charity to form ſuch a conjecture. I ſhould be ſorry to believe, that they do not really think as they ſpeak, but I could wiſh they would take ſome pains to make themſelves acquainted with the ſubject, on which they ſo dogmatically decide; for certainly it is the higheſt degree of inſolence, for perſons, who never read one ſingle page, concerning the laws of nature, of nations, and the municipal laws of England, who are totally ignorant of the very firſt principles, by which the ſubject muſt be inveſtigated, and the juſtice of the meaſure determined, to paſs their illiberal cenſures againſt the repreſentatives of the ſtate, with as much poſitiveneſs, as if they ſat in the chair of St. Peter, and were in reality poſſeſſed of all its pretended infallibility.

"It is unjuſt, ungenerous, and cruel, to puniſh the innocent for the guilty." We will admit the truth of this aſſertion; but what ſervice can be obtained from this admiſſion? We are not propoſing, at preſent, to inflict puniſhment on any perſon, either on the innocent or the guilty. Should we find ourſelves in a ſituation to *puniſh*, we are no ſtrangers to the laws of nature and nations, and well know what they will permit, or prohibit. At this time we are only endeavouring to obtain payment of as juſt a debt as ever was due from one ſtate to another; unleſs the Senator, and other Britiſh advocates, chuſe to throw off the maſk, and declare openly that Great-Britain has not done us any damage, and has been guilty of no injurious conduct towards us: in a word, that ſhe is only enforcing her juſt claims; and that we are ſtill her ſubjects, and in a ſtate of rebellion.

AN INDEPENDENT WHIG.

Baltimore, March 24, 1780.

WILLIAMSBURG, *March* 18.

BY a letter lately received from Charles-Town, we learn, that on the 25th of February, the enemy's main body ſtill remained on John's iſland, but they had taken poſſeſſion of their old lines at Stono, and detached 2000 men under the command of lord Cornwallis to James's iſland, the extremity of which is not diſtant more than one mile and a half from the ſouth part of the town. Accounts of their force were various, but from the firſt and ſecond in command, and from the quarter maſter general's being with the army, it muſt be great. Of the fleet of 140 ſail that left New-York, only 7 are miſſing, and of the troops embarked, only four companies. No meaſure that could tend to the preſervation of the town, has been neglected, and the citizens ſeem determined to ſacrifice every thing rather than give it up. They do not however ſo far rely on their own reſources, as not to expect, and even wait for, with impatience, the aſſiſtance of their friends the Virginians.

Annapolis, March 30, 1780.

THE COMMITTEE of GRIEVANCES and COURTS of JUSTICE will ſit to do buſineſs in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the preſent ſeſſion of the general aſſembly.

By order of the committee,

1 Pard. GOLDER, clk. com.

WILDAIR

STANDS this ſeaſon at the head of Weſt-river, and will cover mares at three hundred dollars each, and ten dollars to the groom. The money to be paid before the horſe is led out of the ſtable. He is a dark bay, upwards of fifteen hands and an half high, he was got by Mr. Delancey's imported horſe Wildair, his dam by Ariel, his grandam by Othello, his great grandam a barb, his ſire was got by Old Cade, his grand ſire by the Godolphin Arabian.

N. B. Paſturage at ten dollars a week, but I will not be anſwerable for any that may be loſt.

1 050 Dollars JOHN JOHNS.

BADGER

COVERS at Mr. Ogle's plantation, near Annapolis, at two hundred pounds the ſeaſon and eight dollars the groom. He is full fifteen hands one inch high, a dark gray, and allowed by judges to be a fine horſe. He was got by governor Eden's Badger, his dam by Samuel Galloway, Eſquire's Selim, his grandam (an imported mare) by Spot, his great grandam by Cartouche, his great great grandam by Old Traveller, his great great great grandam by Sedbury, his great great great great grandam by Childers, out of a barb mare.

Governor Eden's Badger was got by lord Chedworth's Boſphorus, who won ſeven king's plates, his dam by Othello, commonly called Black and all Black, who beat lord March's Bajazet over the Currah of Kildare, his grandam by the duke of Devonſhire's Flying Childers. Badger won the fifty at Guilford, and got lamed at Epſom, the only times he ſtarted.

Good paſturage for mares at five pounds a week, but I will not be anſwerable for any that may be loſt.

Bent. Ogle

No mare will be received, unleſs the money is ſent with her.

6w 1 C. WATKINS.

Calvert county, March 8, 1780.

COMMITTED to my cuſtody as a runaway, a negro woman named Monica, appears to be about eighteen years of age, five feet five inches high, who ſays ſhe belongs to James Perry, of Montgomery county. Her maſter is deſired to take her away and pay the fees.

1 GEORGE GRAY, ſheriff.

HARPSICORDS, SPINETS, and PIANO FORTES, repaired and put in tune, by ARCHIBALD CHISHOLM, in Annapolis.

He agrees either by the year, or ſo much per time, to keep any of the above inſtruments in good order. 2 3w

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FIFTY POUNDS REWARD.

Head of Severn, Jan. 17, 1780.

STOLEN from the ſubſcriber, on Thurſday morning the 13th inſtant, a coat, jacket and breeches, a pair of mittens, a comb, an ax, ſome powder in an oſnabrig bag, and ſhot in a leather one. They were ſtolen by one PATRICK RILEY, an Iriſhman, about 5 feet 10 inches high, has yellow hair, a dark brown country cloth coat and breeches, and a whitiſh jacket, the breeches have a hole torn in the thigh; he has a caſt in his eyes, a full red face, and very large limbs. He has a paſs, which mentions his having had one from the governor of Virginia, which he loſt, and that he is a deſerter from the Britiſh army; he had with him a white bitch, with yellow ſpots, ſhort ears and tail. Whoever will ſecure the ſaid Riley ſo that he be brought to juſtice, ſhall receive one hundred dollars if taken in the county, and if out of the county the above reward, paid by

10w 6 JOHN M'COY.

A PETITION will be offered to the firſt ſeſſion of the general aſſembly after this notice ſhall have been publiſhed eight weeks, for an act to empower the ſubſcriber (now a minor) to make a good and ſufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make ſale of.

2 8w HARRISON MUSGRAVE.

A PETITION will be offered to the firſt ſeſſion of the general aſſembly after this notice ſhall have been publiſhed eight weeks, for an act admitting to record and giving effect from the date to a deed executed in Prince-George's county, by Mary Athey to John Wheeler, for part of a tract of land called Athey's Chance.

7 3w JOHN WHEELER.

NOTICE is hereby given, that by an act of aſſembly made and paſſed at a ſeſſion of aſſembly of the ſtate of Maryland, begun and held at the city of Annapolis, on the firſt day of November, 1779, the bills of credit, dated January 1, 1781, emitted and made current by an act of aſſembly, paſſed November ſeſſion 1779, are directed to be brought in and depoſited in the weſtern ſhore treaſuries, on or before the firſt of June next, or thereafter irredeemable, and which the holders of ſaid bills of credit ſhall, at their option, receive either bills of exchange drawn on the truſtees of ſaid ſtate at London, or ſtate loan-office certificates, bearing an annual intereſt of ſix per cent. But if the bills of exchange, or any of them, to be drawn in virtue of ſaid act, ſhall not be paid, the ſame ſhall be renewable, but neither the drawer, or indorſer thereof, ſhall be anſwerable for, or liable to pay, any damages thereon, other than the charges of proteſt.

N. B. The printers in the adjacent ſtates are requeſted to inſert the above in their reſpective papers.

WHEREAS, colonel Edward Spring, late of Prince-George's county, deceaſed, having, by his laſt will and teſtament, directed his executrix to ſell and diſpoſe of part of a tract of land, lying in Frederick county, called, Addition to Piles's Deſight, before the firſt day of June after his deceaſe, for the payment of his debts, and whereas his executrix, through ſickneſs and inability of body, could not attend to ſell and diſpoſe thereof by the time limited in the ſaid will; ſhe hereby gives this public notice, that after the continuance of this advertiſement eight weeks in the public papers, ſhe intends to petition the next general aſſembly for an act empowering her executrix to diſpoſe of the ſaid land, in order to enable her to make a final ſettlement of the eſtate of the ſaid teſtator.

8w 4 MARY PINDELL, executrix.

Office for ſtating and ſettling the public accounts,

Annapolis, February 15, 1780.

THE commiſſioners having deared the time for ſtating and ſettling the public accounts to be printed in the Maryland Gazette, think it neceſſary to give further notice, that they intend to continue ſetting every day in the ſtate houſe, Sundays excepted.

And as there appear many large ſums due to the public for money advanced upon certificates (and for other purpoſes) which have been in many inſtances diſregarded, the commiſſioners take this method to inform all perſons concerned, that they are determined to purſue the directions of the legiſlature, as far as in their power; that they ſhall require a ſpecific compliance with every public contract, as far as it is poſſible and equitable, and as they wiſh to prevent every unneceſſary expence and delay, ſo they hope that thoſe who are intereſted will ſee the propriety and abſolute neceſſity there is for them to render their accounts, and make ſatisfaction to the public as ſpeedily as poſſible. Thoſe clerks of counties who have omitted to tranſmit liſts of ordinary licences and fines, ſince the year 1775, are requeſted to forward them; the ſheriffs indebted on thoſe or any other accounts to perfect their payments; the ſupervifors of roads, who have had money advanced from the year 1774, the committees of the counties, and in general all perſons who have public money or effects unaccounted for, will be pleaſed to take notice and comply with the requiſitions of the legiſlature.

8 ſigned per order of the commiſſioners,

THO. GASSAWAY, clerk.

FOR SALE,

A NEGRO WENCH about thirty years of age; ſhe has been brought up to do either kitchen or plantation work, can ſpin very well, and is a very good plain cook. She will be ſold for caſh or tobacco, or any perſon having a likely young negro girl, about 10 or 12 years old, fit for houſe ſervice, may have her in exchange, the owner being in great want of ſuch ones. Enquire of the printers. 3

CASH given for clean Linen and Cotton RAGS. 11

ANNAPOLIS: Printed by FREDERICK and SAMUEL GREEN, at the POST-OFFICE in *Charles-Street*.